

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**BRANDON L CALLIER,**

**Plaintiff,**

**v.**

**MOMENTUM SOLAR LLC,**

**Defendant.**

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**CAUSE NO. EP-23-CV-377-KC**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE MAGISTRATE JUDGE**

On this day, the Court considered the above-captioned case. Defendant filed a Motion to Dismiss (“Motion”), ECF No. 7, on November 8, 2023. On April 16, 2024, the Court referred the Motion to United States Magistrate Judge Robert F. Castaneda pursuant to 28 U.S.C. § 636(b) for proposed findings of fact and recommendations. Apr. 16, 2024, Text Order. On April 25, 2024, the Magistrate Judge filed a Report and Recommendation (“R&R”), ECF No. 14, recommending that the Motion be denied. *Id.* at 5.

Parties have fourteen days from service of a Report and Recommendation of a United States Magistrate Judge to file written objections. *See* 28 U.S.C. § 636(b)(1)(C).<sup>1</sup> Over fourteen days have elapsed since all parties were served with the R&R, and no objections have been filed.

When parties do not file written objections, courts apply a “clearly erroneous, abuse of discretion and contrary to law” standard of review to a report and recommendation. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After reviewing the R&R, the Court agrees with the Magistrate Judge’s proposed findings of fact and conclusions of law and finds

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<sup>1</sup> Federal district courts conduct de novo review of those portions of a report and recommendation to which a party has objected. *See* 28 U.S.C. § 636(b)(1)(C) (“A judge . . . shall make a de novo determination of those portions of the report . . . to which objection is made . . .”).

that they are neither clearly erroneous nor contrary to law. *See id.*

Accordingly, the Court **ADOPTS** the R&R, ECF No. 14, in its entirety, and **ORDERS** that Defendant's Motion to Dismiss, ECF No. 7, is **DENIED**.

**SO ORDERED.**

**SIGNED this 10th day of May, 2024.**



KATHLEEN CARDONE  
UNITED STATES DISTRICT JUDGE